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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19
20 UNIVERSITY OF PITTSBURGH OF THE
COMMONWEALTH SYSTEM OF HIGHER
21 EDUCATION d/b/a UNIVERSITY OF
PITTSBURGH, a Pennsylvania non-profit
22 corporation (educational),

23 Plaintiff,

24 v.

25 VARIAN MEDICAL SYSTEMS, INC., a
Delaware corporation,

26 Defendant.

27 Case No. CV-08-02973 MMC

28 **STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS**

Judge: Honorable Maxine M.
Chesney

1 Counsel report that they have met and conferred regarding ADR and have reached the
 2 following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 The parties agree to participate in the following ADR process:

4 **Court Processes:**

5	_____	Non Binding Arbitration	(ADR L.R. 4)
6	_____	Early Neutral Evaluation	(ENE) (ADR L.R. 5)
7	<u>X</u>	Mediation	(ADR L.R. 6)

8
 9 **Private Process:**

10 Private ADR (*please identify process and provider*)

11
 12 The parties agree to hold the ADR session by:

13 Other requested deadline: Ninety days after the Claim Construction Ruling of this
 14 Court.

16 Dated: September 5, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

18 /s/ *Matthew H. Poppe* /s/
 19 Matthew H. Poppe
 Attorney for Defendant

20 Dated: September 5, 2008

MORGAN LEWIS & BOCKIUS, LLP

22 By: /s/ Rita E. Tautkus, with permission
 23 Rita E. Tautkus
 Attorneys for Plaintiff University of
 24 Pittsburgh

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non Binding Arbitration

Early Neutral Evaluation

Mediation

Private ADR

Deadline for ADR session:

Other: Ninety days after the Claim Construction Ruling of this Court.

IT IS SO ORDERED.

Dated:

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS was served upon the University of Pittsburgh, through its counsel, via:

- Hand-Delivery
- Facsimile
- First Class, US Mail, Postage Prepaid
- Certified Mail – Return Receipt Requested
- ECF Electronic Service
- Overnight Delivery

at the following address:

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Dated: September 5, 2008

/s/ Matthew H. Poppe
MATTHEW H. POPPE